

Attorney's Docket No.: 12774-002001

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Applicant : Ching-Hsaing Hsu et al. Art Unit : 1632
Serial No. : 09/778,672 Examiner : Qian J. Li
Filed : February 7, 2001

Title : LIVE VACCINES FOR ALLERGY TREATMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is **STATEMENT OF
SUBSTANCE OF INTERVIEW OF MARCH 8, 2005**, faxed this 18th day of April, 2005, to
the United States Patent and Trademark Office.

Respectfully submitted,

Jianming Hao
Reg No. 54,694

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STATEMENT OF SUBSTANCE OF INTERVIEW OF MARCH 8, 2005

Applicants would like to thank the Examiner for granting a telephone interview on March 8, 2005, regarding this application.

During the interview, Applicants' counsel, Y. Rocky Tsao (Reg. No. 34,058) and Jianming Hao (Reg. No. 54,694), discussed independent claim 24. This claim, rejected for obviousness, is drawn to a method of decreasing the production of IgE in a subject exposed to a dust mite allergen. The method includes orally administering to a subject a non-pathogenic Gram-positive bacterium that contains a nucleotide sequence encoding a dust mite allergen; and expressing the allergen in the bacterium.

More specifically, Applicants' counsel explained that one skilled in the art would have neither motivation nor reasonable expectation of success to combine four prior art references cited by the Examiner. Attached hereto as "Exhibit A" is a copy of a letter sent to the Examiner before the interview. It summarizes the issues that were discussed in the interview. The Examiner indicated that she did not receive three figures sent with the letter.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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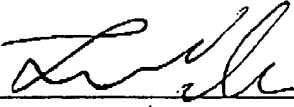
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The Examiner stated that the explanation provided by Applicants' counsel relied on mechanisms and was not sufficient to overcome the obviousness rejection. Applicants' counsel proposed submitting a supplemental response to present the explanation, the three figures not received by the Examiner, and additional arguments. The Examiners refused to consider any supplemental response. In a subsequent telephone discussion with Applicants' counsel, the Examiner granted another interview to be held on April 21, 2005.

Please apply any charges to deposit account 06-1050.

Respectfully submitted,

Date: 4-18-2005



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